

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL DAVID WHITE,

Plaintiff,

No. CIV S-04-2276 GEB GGH P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

On November 2, 2005, the court granted defendants' May 19, 2005, motion to dismiss with leave amend with respect to the following claims: 1) imposition of the R suffix caused plaintiff to suffer from increased risk to safety as to defendants Rhodes and Jett; 2) the claims against defendants Ceaglio and Schroers based on plaintiff's failure to link these defendants to the alleged deprivations. The court granted plaintiff thirty days to file a second amended complaint.

Thirty days passed and plaintiff did not file a second amended complaint. Accordingly, for the reasons stated in the November 2, 2005, the court recommends that these claims against defendants Rhodes, Jett, Ceaglio and Schroers be dismissed.

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1 Accordingly, IT IS HEREBY RECOMMENDED that the remaining claims
2 against defendants Rhodes, Jett, Ceaglio and Schroers be dismissed.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
5 days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
8 shall be served and filed within ten days after service of the objections. The parties are advised
9 that failure to file objections within the specified time may waive the right to appeal the District
10 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: 1/18/06

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13 /s/ Gregory G. Hollows

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15 GREGORY G. HOLLOWS
16 UNITED STATES MAGISTRATE JUDGE

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